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9 *Jacob A. Appelsmith, Chief of the*  
10 *Bureau of Gambling Control*

11  
12 BEFORE THE  
13 CALIFORNIA GAMBLING CONTROL COMMISSION  
14 STATE OF CALIFORNIA  
15

16 In the Matter of the Statement of Issues  
17 Against:

18 TIMOTHY EUGENE STROUD,

19 Respondent.  
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Application for State Gambling License  
DC No. 1059

OAH No. 2006110055

**STIPULATION AND PROPOSED  
DECISION AND ORDER**

27 <sup>1</sup> The original Complainant in this action was the Director of the Division of Gambling Control,  
Robert E. Lytic, Jr. The current Complainant is the Chief of the Bureau of Gambling Control, Jacob A.  
28 Appelsmith.

1 The parties to the above-captioned proceeding agree and stipulate as follows:

2 1. Following a hearing on the Statement of Issues before an administrative law judge  
3 (ALJ) of the Office of Administrative Hearings (OAH), the ALJ issued a proposed decision. The  
4 proposed decision found, *inter alia*, that cause existed to deny Respondent's application for a  
5 gambling license to own and operate a cardroom.

6 2. On July 10, 2007, the California Gambling Control Commission (Commission)  
7 issued an order adopting the ALJ's proposed decision as its final administrative decision in this  
8 matter.

9 3. On or about August 8, 2007, Respondent filed a request for reconsideration on the  
10 ground that there existed new evidence supporting a remand of the matter to OAH.

11 4. On August 13, 2007, the Commission granted Respondent's request for  
12 reconsideration, ordering a remand of the matter to OAH for review on limited issues and staying  
13 its final administrative decision pending that review.

14 5. The parties then scheduled an administrative hearing on reconsideration before an  
15 ALJ on the limited issues set forth in the Commission's order granting reconsideration.

16 6. Respondent has now determined not to proceed at the administrative hearing on  
17 reconsideration.

18 7. Should the Commission, as requested below, vacate its order granting  
19 reconsideration and issue a new order adopting the ALJ's original proposed decision as its final  
20 administrative decision, Respondent agrees and stipulates not to request reconsideration of any  
21 issue that could have been raised by request for reconsideration following the Commission's July  
22 10, 2007 order. Respondent further agrees and stipulates that his right to reconsideration, petition  
23 for writ of mandate, or appeal of any issue upon which the Commission granted reconsideration  
24 in its August 13, 2007 order is unequivocally waived. Respondent does not waive any right to  
25 petition for writ of mandate or appeal any issue in the ALJ's original proposed decision which the  
26 parties are herein requesting the Commission to adopt as its final administrative decision.

27 8. Accordingly, the parties jointly request that the Commission, at its next regularly  
28 scheduled public meeting, or as soon thereafter as the Commission may consider the matter,

1 vacate its August 13, 2007 order granting reconsideration and enter a new decision and order  
2 adopting the ALJ's original proposed decision as its final administrative decision in this matter, as  
3 set forth below.

4 9. This Stipulation and Proposed Decision and Order have been fully discussed  
5 between Respondent Timothy Eugene Stroud and his attorney, Steven L. Simas, and Stroud has  
6 been fully advised of the effect of this Stipulation and Proposed Decision and Order upon his  
7 pending administrative hearing on reconsideration, and any judicial challenge to the decision of  
8 the Commission adopted in this matter. Stroud enters into this Stipulation voluntarily,  
9 knowingly, and intelligently, and agrees to be bound by this Stipulation and the terms of the  
10 Proposed Decision and Order resulting upon adoption by the Commission.

11 10. This Stipulation and Proposed Decision and Order are subject to approval and  
12 action by the Commission. In the event the Commission does not adopt the Proposed Decision  
13 and Order, and a hearing on reconsideration before an ALJ and/or the Commission becomes  
14 necessary, neither any member of the Commission, nor the Executive Director of the  
15 Commission, shall be disqualified because of prior consideration of this Stipulation and Proposed  
16 Decision and Order. Stroud also specifically agrees that counsel for the Bureau and Bureau staff  
17 may communicate directly with the Commission or its staff regarding this Stipulation and  
18 Proposed Decision and Order prior to Commission action thereon, without notice to, or  
19 participation by, Stroud or his counsel, and that no such communications shall be deemed a  
20 prohibited ex parte communication.

21 NOW, THEREFORE, the parties to the above-captioned proceeding hereby agree and  
22 stipulate that an order of the California Gambling Control Commission may enter to the following  
23 effect and in substantially the following form:

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[PROPOSED] DECISION AND ORDER

In the Matter of the Statement of Issues against Timothy Eugene Stroud, Application for Gambling License DC No. 1059, OAH No. 2006110055, the California Gambling Control Commission having duly considered the parties' Stipulation and Proposed Decision and Order, it is hereby ordered that:

1. The Order of the Commission dated August 13, 2007 granting reconsideration be and the same is hereby vacated;

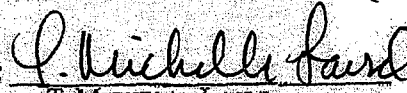
2. The proposed decision adopted by the Commission on July 10, 2007, be and the same is hereby adopted as the final decision of the Commission in this matter; and,

3. This Decision and Order shall be effective on the date of its execution.

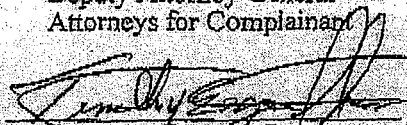
**IT IS SO AGREED AND STIPULATED:**

EDMUND G. BROWN JR.  
Attorney General of California

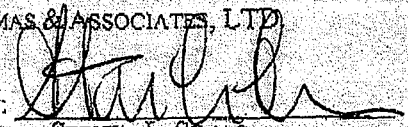
Dated: 12-7-09, 2009

By:   
T. MICHELLE LAIRD  
Deputy Attorney General  
Attorneys for Complainant

Dated: 11-26-09, 2009

  
TIMOTHY EUGENE STROUD  
Respondent

Dated: 11/30/09, 2009

SIMAS & ASSOCIATES, LTD.  
By:   
STEVEN L. SIMAS  
Attorneys for Respondent

## DECISION AND ORDER

The foregoing Stipulation and Proposed Decision and Order "In the Matter of the Statement of Issues Against Timothy Eugene Stroud, OAH Case No. 2006110055, DC No. 1059," is hereby adopted as the final Decision and Order of the California Gambling Control Commission, and is effective upon execution below by the Commission members.

IT IS SO ORDERED

Dated: 1-14-10

Signature: Dean Shelton  
Dean Shelton, Commission Chair

Dated: 1-14-10

Signature: Stephanie Shimazu  
Stephanie Shimazu, Commissioner

Dated: 1/14/2010

Signature: Alexandra Vuksich  
Alexandra Vuksich, Commissioner